

TRANSLATION**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference EX/EG-3065	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/ES2004/000083	International filing date (day/month/year) 24.02.2004	Priority date (day/month/year) 30.09.2003
International Patent Classification (IPC) or national classification and IPC E05B29/00		
Applicant OJMAR, S.A.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-5 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-3 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-3</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1-3</u>	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	<u>1-3</u>	YES
	Claims	_____	NO

2. Citations and explanations (Rule 70.7)

1. US 2 358 164 A, which is considered to be the closest prior art, describes the combination of a cylinder provided with tumblers (levers) and a corresponding key according to the preamble of claim 1. Said document further discloses (see figure 8 and the corresponding description) that, on one of its faces, the key (64) has a recess (figure 8b) of which the minimum width is the distance between the maximum height of the projections (61) of the tumblers that move in one direction, and the maximum height reached by the projections of the tumblers that move in the opposite direction. According to said document, each tumbler also comprises, in the lower aperture thereof, another projection on the side opposite the inner projection and the key has on the opposite side a profiled recess matching the other projections of the inner apertures of the tumblers. In another embodiment, all the projections are replaced by grooves or shoulders and the key comprises double toothing on one face and has a flat surface on the opposite face (figure 9).

The combination of a tumbler or a lever comprising, in

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>the inner aperture thereof, an inner projection and a shoulder arranged on the opposite side and a key provided with a recess as defined in claim 1 on one face and double toothing engaging the shoulders on the opposite face, is neither known from, nor suggested by, the prior art cited in the international search report.</p> <p>The subject matter of claim 1 therefore appears to meet the requirements of PCT Article 33(2), (3) and (4).</p> <p>2. Dependent claims 2 and 3 contain features defining alternative embodiments of the invention and meet the requirements of PCT Rule 6.4.</p>

Box No. VII **Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

1. Claim 1 has been drafted in two parts. However, the feature "on one of its faces, the key has a recess of which the minimum width is the distance between the maximum height of the projections of the tumblers that move in one direction, and the maximum height reached by the projections of the tumblers that move in the opposite direction" should not appear in the characterising part since it is disclosed in US 2 358 164 A (see figure 8 and 8b and the corresponding description), in combination with the features described in the preamble (PCT Rule 6.3(b)).
2. The features in the claims are not followed by reference signs placed between parentheses (PCT Rule 6.2(b)).
3. Contrary to the requirement of PCT Rule 5.1(a)(ii), the relevant prior art disclosed in US 2 358 164 A has not been indicated in the description, nor has said document been cited.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. The expression of claim 2 "the cylinder has the same transverse working grooves" is not clear (PCT Article 6), since transverse working grooves are not defined in claim 1 (it appears that claim 2 relates to equal or identical transverse working grooves).